

REMARKS/ARGUMENTS

Claims 1-24 are pending in the captioned application. Applicants have also added new dependent claim 25. Claim 25 is drawn to a fusion protein, and depends on claim 1. Support for this amendment can be found on page 16, lines 22-24 and page 23, lines 17-18, of the specification of the captioned application. Applicants respectfully submit that claim 25 is fairly based on the specification and respectfully request its entry.

The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-9, drawn to a fluorescent protein, classified in class 530, subclass 350.
- II. Claim 10, drawn to a fusion compound, classified in class 424, subclass 192.1.
- III. Claims 11-18, drawn to a nucleic acid, host cell, vector and method of making protein, classified in class 435, subclass 69.1.
- IV. Claim 19, drawn to a method of measuring the expression of a protein of interest, classified in class 435, subclass 6.
- V. Claim 20, drawn to a method of determining the cellular/extracellular localization of a protein of interest, classified in class 435, subclass 7.1.

VI. Claims 21-24, drawn to a method of comparing the effect of one or more test substances, classified in class 435, subclass 7.2+.

The Examiner states, "The inventions are distinct, each from the other..." for a number of reasons.

In response to the Examiner's restriction requirement, Applicants elect, without traverse, to prosecute the inventions of Group I, namely claims 1-9, drawn to a fluorescent protein. Because newly added claim 25 is also drawn to a protein, Applicants submit that it also belongs to Group I, and should be examined with claims 1-9.

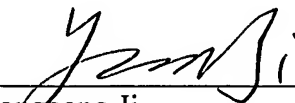
Applicants withdraw all other claims from consideration. However, this election is made without prejudice to the Applicants' right to file divisional application(s) to the non-elected claims. Cancellation of the non-elected claims will be accomplished after a Notice of Allowance of the elected claims is received.

Applicants believe that the elected claims, as written, are in allowable form and earnestly solicit their allowance.

Early and favorable action is earnestly solicited.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on December 16, 2004.

Signature: 
Name: Melissa Leck